

United States Court of Appeals
For the Eighth Circuit

No. 14-2084

Teresa Lynette Bloodman, Parent and Natural Guardian of John Doe, a Minor Child

Plaintiff - Appellant

v.

Dr. Tom Kimbrell, Arkansas Department of Education, Individually Named and
Official Capacity

Defendant

Dr. Jerry Guess, Superintendent, Pulaski County Special School District,
Individually Named and Official Capacity; Dr. Tameka Brown, Principal,
Maumelle High School, Individually Named and Official Capacity; Michael
Shook, Coach, Maumelle High School, Individually Named and Official Capacity;
Grover Garrison, Coach, Maumelle High School, Individually Named and Official
Capacity; Sherman Cox, Athletic Director, Maumelle High School, Individually
Named and Official Capacity

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: May 13, 2015

Filed: May 21, 2015

[Unpublished]

Before SMITH, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Teresa Bloodman brought this civil rights action for declaratory and injunctive relief on behalf of her minor son, who at the time was an Arkansas public school student enrolled in Maumelle High School in the Pulaski County Special School District. Following an earlier remand by this Court, the District Court¹—after learning that Bloodman’s son had transferred to another school district—stayed discovery and dismissed as moot the remaining claim, with prejudice. Bloodman appeals.

After careful consideration of the record and the parties’ arguments on appeal, we conclude that the District Court’s discovery rulings were not an abuse of discretion. See Roberts v. Shawnee Mission Ford, Inc., 352 F.3d 358, 360 (8th Cir. 2003) (standard of review). Further, dismissal for lack of jurisdiction was proper. See Doe v. Nixon, 716 F.3d 1041, 1051 (8th Cir. 2013) (reviewing de novo the district court’s decision to grant a motion to dismiss for lack of subject matter jurisdiction because of mootness). We also conclude, however, that the remaining claim should have been dismissed without prejudice. See County of Mille Lacs v. Benjamin, 361 F.3d 460, 464 (8th Cir. 2004) (“A district court is generally barred from dismissing a case with prejudice if it concludes subject matter jurisdiction is absent.”).

Accordingly, we modify the judgment to be without prejudice, and we affirm the judgment as modified. We also deny the pending motion.

¹The Honorable James M. Moody, Jr., United States District Judge for the Eastern District of Arkansas.